

**Circuit Court**  
**For Washington County at Jonesborough, Tennessee**  
**108 West Jackson Blvd., Suite 2167, Jonesborough, TN 37659**

Daniel Lee Defreese, as Beneficiary under the  
life insurance policy of Elizabeth Defreese (deceased)  
vs. Plaintiff

Civil Summons

No. 36237

AT&T and Metropolitan Life  
Insurance Company

21

NOV 16

8:50

Defendants

**NOTICE**

**TO THE DEFENDANT(S):**

Tennessee law provides a ten thousand dollar (\$10,000.00) personal property exemption from execution of seizure to satisfy a judgement. If a judgement should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgement becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed, these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

To the above named defendant(s):

You are hereby commanded and required to serve upon Richard A. Spivey,  
plaintiff's attorney, whose address is 142 Cherokee St, Kingsport TN 37660,  
an answer to the complaint which is herewith served upon you within thirty (30) days after service of  
this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be  
taken against you for the relief demanded in the complaint.

Issued this 21 day of NOVEMBER, 20 16, at 8:50 A.M.

KAREN GUINN

Clerk

By: Martha N. Phanko, A.C.

Deputy Clerk

Received this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Sheriff - Deputy Sheriff

**RETURN**

I certify and return that I:

☐ served this summons together with the complaint as follows: \_\_\_\_\_

☐ failed to serve this summons within ninety (90) days after its issuance because \_\_\_\_\_

Date \_\_\_\_\_

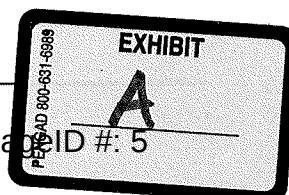
Deputy Sheriff

☐ accept service

I, \_\_\_\_\_, hereby accept service of process in this case as fully and  
in all respects, as though I had been personally served by a Deputy Sheriff of Washington County, and I  
acknowledge that I received a copy of the summons and complaint in this case.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Defendant



IN THE CIRCUIT COURT FOR WASHINGTON COUNTY  
AT JONESBOROUGH, TENNESSEE

DANIEL LEE DEFREECE, as Beneficiary )  
under the life insurance policy of )  
ELIZABETH DEFREECE (Deceased), )

Plaintiff )

vs. )

AT&T and METROPOLITAN LIFE )  
INSURANCE COMPANY, )

Defendants )

CIVIL ACTION NO. 36237

Filed 21 day of

Nov 2016 at

8:50 o'clock A. M.

Karen Guinn, Clerk

COMPLAINT

1. Plaintiff is a citizen and resident of Kingsport, Sullivan County, Tennessee and the owner and beneficiary of the insurance policy insuring the life of his deceased spouse, Elizabeth Defreece.

2. Defendant AT&T is a for profit corporation doing business in Tennessee with its principal address being 1 ATT Way, Bedminster, NJ 07921-2693 and can be served through its registered agent, C T Corporation System, at Ste. 2021, 800 S. Gay Street, Knoxville, TN 37929-9710. Metropolitan Life Insurance Company is a for profit corporation with its principal address being 1095 Avenue of the Americas, New York, NY 10036-6797 and can be served through its registered agent, Insurance Commissioner, Tennessee Department of Commerce and Insurance, 500 James Robertson Parkway, Nashville, TN 37243-1204.

3. On or about May 30, 2015, Plaintiff Daniel Lee Defreece's spouse, Elizabeth Defreece deceased. On May 30, 2015, Plaintiff Daniel Lee Defreece was employed by

I HEREBY CERTIFY THAT THIS IS A TRUE AND  
EXACT COPY OF THE ORIGINAL DOCUMENT AS  
IT APPEARS AT THE WASHINGTON COUNTY  
CIRCUIT COURT.

KAREN GUINN, CLERK  
*Martine S. Shuler* D.C.

Defendant AT&T, in their place of business located at the Johnson City Call Center, 2601 N. Roan Street, Johnson City, Tennessee 37601. Mr. Defreece, through his employer, maintained life insurance and accidental death policies with Metropolitan Life Insurance Company which covered his spouse at the time of her death.

4. There was a malfunction in the withholding of Plaintiff's life insurance and accidental death charges through no fault of his own. Plaintiff subsequently repaid the amount of charges on his wife's life insurance plan prior to her death.

5. Upon the death of the Plaintiff's wife, the Plaintiff made application for payment of his life insurance benefits but said payment was denied by Metropolitan Life Insurance Company on November 30, 2015. At that time the Plaintiff began his administrative process and exhausted his administrative remedies. At the end of his administrative remedies, the Defendant Metropolitan Life Insurance Company paid the accidental death portion of the death claim but denied payment of the life insurance proceeds.

6. Pursuant to the declination letter, Defendant Metropolitan Life Insurance Company maintained that the Plaintiff's spouse did not fill out an application. No application was sent to Plaintiff's spouse and upon payment of the charges for the insurance policy and acceptance of same by Defendant Metropolitan Life Insurance Company, it is the contention of Plaintiff that Plaintiff's spouse was covered for the life insurance policy.

7. Defendant AT&T and/or Metropolitan Life Insurance Company are liable for the proceeds of \$25,000.00 under the life insurance policy provided by AT&T and administered by Metropolitan Life Insurance Company in the sum of \$25,000.00

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgement  
against Defendants in the amount of \$25,000.00.

DANIEL LEE DEFREECE, as Beneficiary under  
the life insurance policy of ELIZABETH  
DEFREECE, (Deceased)

Plaintiff

By: Richard A. Spivey by power of attorney  
RICHARD A. SPIVEY - BPR 006288  
Attorney for Plaintiff  
142 Cherokee Street  
Kingsport, TN 37660  
(423) 245-4185

COST BOND

I hereby acknowledge myself as surety for costs in this cause.

Richard A. Spivey by power of attorney  
Richard A. Spivey